

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

PART 145
ORGANISATIONS: AIRCRAFT MAINTENANCE ORGANISATIONS

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SUBPART 1
GENERAL

Applicability

145.01.1 This Part shall apply to the approval and operation of organisations for the maintenance of aircraft and aircraft components.

Requirement for approval

145.01.2 (1) No organisation shall certify for release to service an aircraft used, or intended to be used, in flight operations, except under the authority of, and in accordance with the provisions of, an aircraft maintenance organisation approval issued under this Part.

(2) No organisation shall carry out maintenance on an aircraft used, or intended to be used, in flight operations, unless the maintenance is carried out under the quality assurance system of an aircraft maintenance organisation appropriately approved under this Part.

(3) No organisation shall certify for release to service an aircraft component fitted, or intended to be fitted, to an aircraft used, or intended to be used, in flight operations, except under the authority of, and in accordance with the provisions of, an aircraft maintenance organisation approval issued under this Part.

(4) No organisation shall carry out maintenance on an aircraft component fitted, or intended to be fitted, to an aircraft used, or intended to be used, in flight operations, unless the maintenance is carried out under the quality assurance system of an aircraft maintenance organisation appropriately approved under this Part.

(5) The provisions of subregulations (1) to (4) inclusive, shall not apply in respect of any amateur-built aircraft, gyroplane, glider, airship, remotely piloted aircraft, manned free balloon or production-built aircraft, unless it is used, or intended to be used, in commercial air transport operations.

Display of aircraft maintenance organisation approval

145.01.3 The holder of an aircraft maintenance organisation approval shall display the approval in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the approval is displayed, shall produce the original approval to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

Advertisements

145.01.4 Any advertisement by an organisation indicating that it is an aircraft maintenance organisation, shall reflect the number of the aircraft maintenance organisation approval issued by the Director.

Safety inspections and audits

145.01.5 (1) An applicant for the issuing of an aircraft maintenance organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of any application made in terms of this Part.

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(2) The holder of an aircraft maintenance organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Suspension and cancellation of aircraft maintenance organisation approval and appeal

145.01.6 (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an aircraft maintenance organisation approval issued under this Part, if -

- (a) after a safety inspection and audit carried out in terms of regulation 145.01.5, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or
- (b) the authorised officer, inspector or authorised person is prevented by the holder of the approval, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 145.01.5; or
- (c) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended an approval in terms of subregulation (1), shall, within one workday of such suspension, deliver a report in writing to the Director, stating the reasons why, in his or her opinion, the suspended approval should be cancelled.

(3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the approval which has been suspended, and shall furnish proof of such submission for the information of the Director.

(4) The holder of an approval who feels aggrieved by the suspension of the approval may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in his or her opinion, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

(6) The Director shall acknowledge receipt of an appeal.

(7) After hearing the appeal, the Director may, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the approval.

Register of approvals

145.01.7 (1) The Director shall maintain a register of all aircraft maintenance organisation approvals issued or renewed in terms of the regulations in this Part.

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- (2) The register shall contain the following particulars:
- (a) The full name of the holder of the approval;
 - (b) the postal address of the holder of the approval;
 - (c) the telephone and telefax numbers of the holder of the approval;
 - (d) the date on which the approval was issued or renewed;
 - (e) the number of the approval issued;
 - (f) particulars of the scope of approval;
 - (g) the nationality of the holder of the approval; and
 - (h) the date on which the approval was cancelled, if applicable.

(3) The particulars referred to in subregulation (2) shall be recorded by the Director in the register within seven days from the date on which the approval was issued, renewed or cancelled, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

Designation of airworthiness representatives

145.01.8 (1) The Director may designate an airworthiness representative to perform the functions as prescribed in Document NAM-CATS-AMO.

(2) The conditions and requirements for and the rules, procedures and standards connected with a designation referred to in subregulation (1) shall be as prescribed in Document NAM-CATS-AMO.

(3) The Director shall sign and issue to each designated airworthiness representative a document which shall state the full name of such airworthiness representative and contain a statement that -

- (a) such airworthiness representative has been designated in terms of subregulation (1); and
- (b) such airworthiness representative is empowered to perform the functions referred to in subregulation (1).

Repeal of existing regulations

145.01.9 Subject to the provisions of regulation 183.00.2, the regulations in Chapters 21 and 22 of the Air Navigation Regulations, 1976, as amended, are hereby repealed.

SUBPART 2
APPROVAL OF AIRCRAFT MAINTENANCE ORGANISATION

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Manual of procedure

145.02.1 An applicant for the issuing of an aircraft maintenance organisation approval shall provide the Director with its manual of procedure which shall -

- (a) comply with the requirements prescribed in this Subpart; and
- (b) contain the information as prescribed in Document NAM-CATS-AMO.

Quality assurance system

145.02.2 (1) The applicant shall establish a quality assurance system for the control and supervision of the maintenance of aircraft and aircraft components, covered by the application.

(2) The minimum standards for a quality assurance system shall be as prescribed in Document NAM-CATS-AMO.

Accommodation and facilities

145.02.3 The applicant shall satisfy the Director that -

- (a) it has adequate accommodation and facilities for all maintenance to be carried out by the aircraft maintenance organisation, ensuring in particular, protection from the weather;
- (b) specialised work areas are segregated as appropriate to ensure that environmental and work area contamination does not occur;
- (c) appropriate office accommodation is provided for the administration of the maintenance carried out and, in particular, for the administration of the organisation's quality, planning and technical records;
- (d) the working environment is appropriate for each task carried out and, in particular, complies with any special requirements specified in the applicable airworthiness data;
- (e) storage facilities are provided for parts, equipment, tools and materials required by the organisation;
- (f) the storage facilities referred to in paragraph (e) provide security for serviceable parts, segregation of serviceable from unserviceable parts, and control deterioration of, and damage to, stored items; and
- (g) it has established procedures to ensure compliance with the requirements prescribed in paragraphs (d), (e) and (f).

Personnel requirements

145.02.4 (1) The applicant shall engage, employ or contract -

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- (a) a senior person identified as the accountable manager and compliance officer of the organisation concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the organisation are carried out in accordance with the applicable requirements prescribed in this Subpart, and who shall in addition be vested with the following powers and duties in respect of the compliance with such requirements:
 - (i) Unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the organisation;
 - (ii) full rights of consultation with any such person in respect of such compliance by him or her;
 - (iii) powers to order cessation of any activity where such compliance is not effected;
 - (iv) a duty to establish liaison mechanisms with the Director with a view to ascertain correct manners of compliance with the said requirements, and interpretations of such requirements by the Director, and to facilitate liaison between the Director and the organisation concerned; and
 - (v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);
- (b) a competent person who is responsible for quality assurance, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness and aviation safety; and
- (c) adequate personnel to plan, perform, supervise, inspect and certify all maintenance undertaken by such organisation.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in planning, carrying out, supervising, inspecting or certifying the maintenance undertaken by the organisation.

- (3) The applicant shall ensure that -
 - (a) the personnel in all technical departments are of sufficient numbers and experience and have been given appropriate authority to be able to discharge their allocated responsibilities; and
 - (b) there is full and efficient coordination between departments and within departments in respect of airworthiness matters.

Equipment, tools and material

145.02.5 The applicant shall satisfy the Director that it has -

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- (a) the equipment, tools and material necessary to perform adequately the approved scope of work as required by the applicable airworthiness data, its manual of procedure and the regulations in this Part; and
- (b) established a procedure to control and, where necessary, calibrate tools and other equipment at a frequency and to a standard acceptable to the Director to ensure serviceability, accuracy and traceability.

Application for approval or amendment thereof

145.02.6 An application for the issuing of an aircraft maintenance organisation approval, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMO; and
- (b) accompanied by -
 - (i) the appropriate fee as prescribed in Part 187; and
 - (ii) the manual of procedure referred to in regulation 145.02.1.

Issuing of approval

145.02.7 (1) The Director shall issue an aircraft maintenance organisation approval if the applicant complies with the requirements prescribed in regulations 145.02.1 to 145.02.5 inclusive.

(2) The Director shall issue the approval on the appropriate form as prescribed in Document NAM-CATS-AMO.

Scope of approval

145.02.8 An aircraft maintenance organisation approval shall specify the maintenance activity, varying from that for an aircraft component to that for a complete aircraft, or any combination thereof, and the location for which the approval is held.

Privileges and limitations

- 145.02.9** (1) The holder of an aircraft maintenance organisation approval may -
- (a) maintain any aircraft or aircraft component for which the approval is held, at the location specified in the approval;
 - (b) arrange for maintenance of any aircraft or aircraft component for which the approval is held, at another organisation which is under its quality assurance system and listed in its manual of procedure;
 - (c) maintain any aircraft for which the approval is held at any location, if the need arises from -
 - (i) the unserviceability of the aircraft; or

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- (ii) the necessity of supporting occasional line maintenance, in which case the maintenance shall only be carried out in accordance with the conditions specified in a procedure included in its manual of procedure;
- (d) maintain any aircraft for which it is approved, at a location identified as a line maintenance location capable of supporting minor maintenance, if its manual of procedure both permits such activity and lists such location; and
- (e) issue certificates of release to service on completion of the maintenance referred to in paragraphs (a) to (d) inclusive, in accordance with the regulations in Part 43.

(2) The holder of the approval shall ensure that the privileges of the approval are not exercised unless the holder has the necessary facilities, current technical data, tools, equipment, materials and competent personnel to perform the work in accordance with all current requirements regarding the maintenance and airworthiness of the particular type of aircraft or aircraft component for which the approval is held.

(3) Notwithstanding anything to the contrary contained in this Part, the holder of the approval may, in circumstances where -

- (a) no appropriately licensed aircraft maintenance engineer; or
- (b) no other approved aircraft maintenance organisation,

is available, rectify any defect in a similar type of aircraft for which the approval is held.

(4) Where a defect referred to in subregulation (3) is rectified, the holder of the approval shall notify the Director in writing, within 48 hours from the moment the defect is rectified, of the reason for, and nature of, such rectification.

(5) Where a defect in an aircraft which is not similar to the type of aircraft for which the approval is held, is rectified, such holder shall obtain the prior approval of the Director to effect such rectification.

Period of validity

145.02.10 (1) An aircraft maintenance organisation approval shall be valid for a period not exceeding 12 months, calculated from the date of issuing or renewal thereof.

(2) The approval shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 145.01.5.

(3) The holder of an approval which expires, shall forthwith surrender the approval to the Director.

(4) The holder of an approval which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of an approval which is cancelled, shall, within 30 days from the date on which the approval was cancelled, surrender such approval to the Director.

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Transferability

145.02.11 (1) Subject to the provisions of subregulation (2), an aircraft maintenance organisation approval shall not be transferable.

(2) A change in ownership of the holder of the approval shall be deemed to be a change of significance referred to in regulation 145.02.13.

Renewal of approval

145.02.12 (1) An application for the renewal of an aircraft maintenance organisation approval, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMO; and
- (b) accompanied by -
 - (i) the appropriate fee as prescribed in Part 187; and
 - (ii) the manual of procedure referred to in regulation 145.02.1.

(2) The holder of the approval shall at least 60 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.

Changes in quality assurance system

145.02.13 (1) If the holder of an aircraft maintenance organisation approval desires to make any change in the quality assurance system referred to in regulation 145.02.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, including -

- (a) the name of the organisation;
- (b) the identity of the accountable manager and compliance officer;
- (c) the identity of the person referred to in regulation 145.02.4(1)(b); and
- (d) the scope of approval,

such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 145.02.6 shall apply *mutatis mutandis* to an application for the approval of a change in the quality assurance system.

(3) An application for the approval of a change in the quality assurance system shall be granted by the Director if the applicant satisfies the Director, upon submission of appropriate proposed changes to its manual of procedure, that it will continue to comply with the provisions of regulations 145.02.1 to 145.02.5 inclusive, after the implementation of such approved change.

Duties of holder of approval

145.02.14 (1) The holder of an aircraft maintenance organisation approval shall -

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- (a) hold at least one complete and current copy of its manual of procedure referred to in regulation 145.02.1, at each workplace specified in the manual of procedure;
 - (b) comply with all procedures detailed in the manual of procedure;
 - (c) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties; and
 - (d) continue to comply with the appropriate requirements prescribed in this Part.
- (2) The holder of the approval shall ensure that -
- (a) all persons who will be directly in charge of any maintenance or inspection carried out on behalf of the aircraft maintenance organisation;
 - (b) all personnel who are authorised to issue on behalf of the aircraft maintenance organisation certificates of release to service and certificates relating to the maintenance of an aircraft,

are appropriately licensed in terms of Part 66.

Record of certifying personnel

145.02.15 (1) The holder of an aircraft maintenance organisation approval shall maintain a record of all certifying personnel, which record shall include particulars of the scope of their authorisation.

(2) The holder of the approval shall provide its certifying personnel with evidence of the scope of their authorisation.

(3) The record referred to in subregulation (1) shall be retained by the holder of the approval for a period of five years from the date on which the certifying personnel member ceases to be authorised by such holder.

Maintenance records

145.02.16 (1) The holder of an aircraft maintenance organisation approval shall keep detailed maintenance records and any associated airworthiness data of all maintenance carried out by the aircraft maintenance organisation.

- (2) The records referred to in subregulation (1) shall -
- (a) indicate the name of each person who performed the work;
 - (b) indicate the name of each person who inspected the work;
 - (c) indicate the reference of the aircraft maintenance organisation and certifying person; and
 - (d) be retained for at least five years from the date on which the aircraft or aircraft component to which the work relates, was released to service.

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(3) The holder of the approval shall provide a copy of each certificate of release to service to the operator of the aircraft, together with a copy of any specific airworthiness data used for repairs or modifications carried out.

(4) The holder of the approval shall establish a procedure for recording maintenance details and for the retention of such maintenance records.

Reports on defects or non-airworthy conditions

145.02.17 (1) The holder of an aircraft maintenance organisation approval shall report to the Director and the appropriate design organisation any defect or condition of an aircraft or aircraft component which may hazard the aircraft, within 48 hours from the moment the defect or condition to which the report relates, has been identified.

(2) The holder of the approval shall establish a procedure for reporting such defects or conditions to the Director.

(3) Where the holder of the approval is contracted to carry out maintenance, such holder shall inform the operator or owner of the aircraft of any such defect or condition.

Airworthiness data

145.02.18 (1) The holder of an aircraft maintenance organisation approval shall -

- (a) keep all airworthiness data necessary to support the maintenance carried out by the aircraft maintenance organisation; and
- (b) make up to date airworthiness data available to all personnel who need access to such data to discharge their allocated responsibilities.

(2) The airworthiness data referred to in subregulation (1) shall include all relevant data issued by -

- (a) the Director; and
- (b) the holder of a type certificate issued -
 - (i) in terms of Part 21; or
 - (ii) by an appropriate authority.

(3) The holder of the approval shall establish a procedure to control and amend the data referred to in subregulations (1) and (2).

(4) If the holder of the approval intends to produce its own airworthiness data, additional to the data referred to in subregulation (1), such holder shall establish a procedure for producing and controlling such additional data.